

Supreme Court of Kentucky


ORDER

**IN RE: ORDER APPROVING THE LOCAL RULES OF PRACTICE AND
PROCEDURE FOR THE 21ST JUDICIAL CIRCUIT COURTS,
BATH, MENIFEE, MONTGOMERY, AND ROWAN COUNTIES**

Upon recommendation of the Circuit Judges of the 21st Judicial Circuit,
and being otherwise sufficiently advised,

The Local Rules of Practice and Procedure for the 21st Judicial Circuit,
Bath, Menifee, Montgomery, and Rowan counties, are hereby approved. This
order shall be effective as of the date of this Order, and shall remain in effect
until further orders of this Court.

Entered this the 29th day of August 2012.



CHIEF JUSTICE JOHN D. MINTON, JR.

**COMMONWEALTH OF KENTUCKY
21ST JUDICIAL CIRCUIT**

**RULES OF COURT PROCEDURE AND PRACTICE
FOR THE 21ST JUDICIAL CIRCUIT**

THIS CIRCUIT DOES NOT HAVE A FAMILY COURT OR A DOMESTIC RELATIONS COMMISSIONER. SEE ALSO RULES OF DISTRICT COURT.

RULE 1. INTRODUCTION / ADMINISTRATIVE PROCEDURE

R21C-100. APPLICABILITY OF RULES

These rules of court procedure and practice are intended to supplement the Kentucky Rules of Civil Procedure (CR), the Kentucky Rules of Criminal Procedure (RCr) and the Family Court Rules of Procedure and Practice (FCRPP). These rules shall become effective upon approval as required by SCR 1.040(3) (a). All previously adopted rules of this Court, except to the extent they are adopted or modified herein, are rescinded. These rules may be cited as “R21C” or “Rules of 21st Judicial Circuit”.

R21C-105. ASSIGNMENT OF CASES BY DIVISION

All cases filed in the 21st Judicial Circuit shall be assigned to a division through the random cash register program. A copy of the receipt assigning each case to a division shall be filed in the case file.

R21C-110. CASE TRANSFERS

After a case has been assigned to either division of Circuit Court for the 21st Judicial Circuit, the judge thereof may, for good cause, transfer the case by written order from the division when: (1) there has been a recusal, or (2) there is an active case pending in the other division of circuit court and transfer would facilitate judicial economy. In criminal actions an active case is defined for this rule as a case in which a defendant has not been final sentenced. To transfer a case, the transferring judge shall sign a transfer order and send said order to the other judge. The judge accepting the transfer shall also sign the same transfer order acknowledging acceptance of the case and the order shall be filed of record in the case being transferred. If the accepting judge also has a conflict, the accepting judge shall notify the chief regional judge for assignment of a judge out of circuit.

R21C-115. NEW CRIMINAL CASES INVOLVING A DEFENDANT ALREADY ASSIGNED TO A DIVISION OF CIRCUIT COURT IN PREVIOUS CASE

If a defendant has been assigned to a division of Circuit Court, and has not been sentenced in that case, his/her new case shall not be assigned through the cash register system, but shall automatically be assigned to the division in which the older case exists. If the defendant’s sentence is final, the Clerk shall draw for a division just as any new case.

R21C-120. CONSOLIDATION OF CIVIL CASES

When two or more cases have been filed that may, as a matter of right, or may, in the discretion of the Court, be consolidated and such cases are pending in different divisions of the 21st Judicial Circuit, and in the same county, any party to any of the cases, or the Court without motion, may have any of the cases transferred to that division of the Court in which the first of the cases was filed. If it is determined that consolidation is not proper, the judge of that division may transfer the case back to the original division.

RULE 2. COURT SCHEDULING/MOTION HOUR/PROCEDURES FOR FILING

R21C-200. MOTION DAYS

Motion Days shall be held as follows:

1. Division I

a. **Rowan Circuit Court**, on the third Friday of each month. Civil motions are to be set at 9:00 a.m. Civil pre-trial conferences and civil status hearings shall be set at 10:00 a.m. Criminal hearings on matters such as bond revocation, probation revocation, sentencing and other criminal hearings set by the Court shall be held 11:00 a.m. All other criminal matters shall be set at 1:00 p.m. Other matters may be set at additional times pursuant to Court Order, or with Court permission.

b. **Montgomery Circuit Court**, on the fourth Friday of each month. Civil motions are to be set at 9:00 a.m. Civil pre-trial conferences and civil status hearings shall be set at 10:00 a.m. Criminal hearings on matters such as bond revocation, probation revocation, sentencing and other criminal matters set by the Court shall be held at 11:00 a.m. All other criminal matters shall be set at 1:00 p.m. Other matters may be set at additional times pursuant to Court order, or with Court permission.

c. **Meniffee Circuit Court**, the fourth Thursday of each month. Civil motions and civil pre-trial conferences are to be held at 9:00 a.m. Civil child support show cause motions, involving the County Attorney, shall be held at 9:30 a.m. All criminal matters shall be set at 10:00 a.m. Domestic matters, including domestic violence and domestic matters **other than** child support show cause motions shall be heard at 11:00 a.m. Other matters may be set at additional times pursuant to Court order, or with Court permission.

d. **Bath Circuit Court**, the third Thursday of each month. Civil motions and civil pre-trial conferences are to be held at 9:00 a.m. Civil child support show cause motions, involving the County Attorney, shall be held at 9:30 a.m. All criminal matters shall be set at 10:00 a.m. Domestic matters, including domestic violence and domestic matters **other than** child support show cause motions, shall be heard at 11:00 a.m. Other matters may be set at additional times pursuant to Court order, or with Court permission.

e. **Montgomery Domestic Court** shall be held on the first Friday of each month. Motions, other than show cause motions regarding child support, shall be set at 9:00 a.m. Show cause motions regarding child support, involving the County Attorney, shall be set at 10:00 a.m. Domestic violence hearings shall be set at 11:00 a.m. Other matters may be set at additional times pursuant to Court order, or with Court permission.

f. **Rowan Domestic Court** shall be held on the second Friday of each month. Motions, other than show cause motions regarding child support, shall be set at 9:00 a.m. Show cause motions regarding child support, involving the County Attorney, shall be set at 10:00 a.m. Domestic violence hearings shall be set at 11:00 a.m. Other matters may be set at additional times pursuant to Court order, or with Court permission.

2. **Division II**

a. **Rowan Circuit Court**, on the first Friday of each month. Civil motions are to be set at 9:00 a.m. Civil pre-trial conferences and civil status hearings shall be set at 10:00 a.m. Criminal hearings on matters such as bond revocation, probation revocation, sentencing and other criminal hearings set by the Court shall be held at 11:00 a.m. All other criminal matters shall be set at 1:00 p.m. Other matters may be set at additional times pursuant to Court order, or with Court permission.

b. **Montgomery Circuit Court**, on the second Friday of each month. Civil motions are to be set at 9:00 a.m. Civil pre-trial conferences and civil status hearings shall be set at 10:00 a.m. Criminal hearings on matters such as bond revocation, probation revocation, sentencing and other criminal hearings set by the Court shall be held at 11:00 a.m. All other criminal matters shall be set at 1:00 p.m. Other matters may be set at additional times pursuant to Court order, or with Court permission.

c. **Meniffee Circuit Court**, on the second Thursday of each month. Civil motions and civil pre-trial conferences are to be held at 9:00 a.m. Civil child support show cause motions, involving the County Attorney, shall be held at 9:30 a.m. All criminal matters shall be set at 10:00 a.m. Domestic matters, including domestic violence and domestic matters **other than** child support show cause motions, shall be heard at 11:00 a.m. Other matters may be set at additional times pursuant to Court order, or with Court permission.

d. **Bath Circuit Court**, on the first Thursday of each month. Civil motions and civil pre-trial conferences are to be held at 9:00 a.m. Civil child support show cause motions, involving the County Attorney, shall be held at 9:30 a.m. All criminal matters shall be set at 10:00 a.m. Domestic matters, including domestic violence and domestic matters **other than** child support show cause motions, shall be heard at 11:00 a.m. Other matters may be set at additional times pursuant to Court order, or with Court permission.

e. **Montgomery Domestic Court** shall be on the third Friday of each month. Motions, other than show cause motions regarding child support, shall be set at 9:00 a.m. Show cause motions regarding child support, involving the County Attorney, shall be set at 10:00 a.m. Domestic violence hearings shall be set at 11:00 a.m. Other matters may be set at additional times pursuant to Court order, or with Court permission.

f. **Rowan Domestic Court** shall be on the fourth Friday of each month. Motions, other than show cause motions regarding child support, shall be set at 9:00 a.m. Show cause motions regarding child support, involving the County Attorney, shall be set at 10:00 a.m. Domestic violence hearings shall be set at 11:00 a.m. Other matters may be set at additional times pursuant to Court order, or with Court permission.

R21C-205. NOTICES, MOTIONS AND ORDERS

1. A copy of all motions shall be served upon the appropriate Circuit Judge at his/her office and such service shall also appear in the certificate of service. **If the appropriate**

judge is not listed in the certificate of service, the respective clerk is directed to return the motion to the attorney, and said motion will not appear on the docket until service is indicated. For Division I- Judge William Lane-44 West Main Street, Mt. Sterling, Kentucky 40353. For Division II- Judge Beth Lewis Maze- P.O. Box 1267, Mt. Sterling, Kentucky 40353.

2. Where appropriate, all motions shall include a statement setting forth the specific grounds of the motion and the legal authority upon which counsel relies in support of the motion.
3. **All motions;** civil, criminal or domestic; must be filed with the clerk by the close of business at least one week prior to the day they are to be heard, unless there is approval from the Court to file a motion after that time. **The Circuit Clerk is directed to mail back to the respective attorney, motions not filed timely.**
4. All motions must be filed and heard only in the county where the case is pending, unless there is prior approval of the Court.
5. Counsel shall tender a proposed order with each motion when they appear on motion day.

R21C-210. ATTORNEY NAME, ADDRESS, TELEPHONE AND FACSIMILE NUMBERS

All pleadings and papers requiring the signature of an attorney shall set forth, on the last page thereof, the typed name and complete address of the attorney, including telephone number, facsimile number and e-mail address if appropriate.

RULE 3. ADOPTIONS / TERMINATION OF PARENTAL RIGHTS

There are currently no local rules relating to Adoptions and Termination of Parental Rights. For statewide uniform rules of procedure see FCRPP 32 through FCRPP 36.

RULE 4. DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

The Uniform Protocol for handling Domestic Violence Cases for the 21st Judicial Circuit and District is incorporated herein by reference as if copied and set forth verbatim, attached as Appendix A.

RULE 5. DOMESTIC RELATIONS PRACTICE

R21C-500. PROTOCOL FOR TRANSFERRING CIVIL CHILD SUPPORT CASES WITHIN THE 21ST JUDICIAL CIRCUIT

No civil child support case shall be transferred to another county **within this circuit** without a motion from one of the parties, with notice, and an affidavit as to why a hardship would be created if the case is not transferred. A motion made by a county attorney, without an affidavit of hardship, will not be sufficient.

R21C-505. FLAGRANT NON-SUPPORT CASES

No child support case shall be presented to the Grand Jury unless it has been heard by the Circuit Court on at least one occasion, on a civil motion for contempt, within three months prior to it being presented to the Grand Jury. Further, the Commonwealth Attorney shall consult with the respective County Attorney in the County where the action is pending, prior to having the case presented to the Grand Jury.

R21C-510. DOMESTIC MEDIATION

All contested domestic cases, as well as cases involving custody, visitation and division of property; are recommended to mediate prior to the Court holding a final hearing.

R21C-515. PROTECTION OF PERSONAL IDENTIFIERS IN DOMESTIC RELATIONS CASES

1. All pleadings must comply with the requirements of KRS Chapters 205, 403, 405, 406 and 407 by providing the personal identifying information required in those chapters. However, except as set forth in paragraph B below, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court pursuant to the above-stated chapters, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope. The clerk of the court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the court. As used in this section, "personal identifier" means a Social Security number or tax-payer identification number, date of birth, or financial account number.

2. Pleadings, documents, or exhibits filed in actions deemed confidential by statute need not be redacted, and any access to those files shall be governed by KRS 199.570, KRS 610.340, KRS 625.045 and KRS 625.108.

RULE 6. MISCELLANEOUS RULES

R21C-600. CONDUCT IN THE COURTROOM

1. The public shall not bring cell phones into the courtroom.
2. Attorneys may have cell phones in the courtroom but shall keep cell phones on vibrate or silent. Cell phones of violators may be confiscated until court is concluded on the date of the violation.
3. No campaign materials for or against any candidate for elected office shall be brought into, displayed, or distributed in any courtroom in the 21st Judicial Circuit. Further, no campaign materials shall be displayed or distributed to any circuit court juror while the juror is either reporting to or leaving court, or during their service as a juror in the courthouse. Violations may be punishable by contempt proceedings.

R21C-605. DISTRIBUTION OF THE DOCKET

1. Within three (3) business days prior to each regularly scheduled motion docket, the respective clerk of each county shall e-mail, fax, or mail the upcoming docket to the respective judge over said docket.
2. Immediately upon the conclusion of every District or Circuit Court docket on which criminal cases are heard, the Circuit Clerk shall fax or hand deliver to the jailer or deputy jailer, of the Rowan or Montgomery County Jail, a signed copy of said docket, so that the jail may act immediately on any orders of release contained in said docket.

R21C-610. FEES FOR WARNING ORDER ATTORNEYS AND GUARDIANS AD LITEM

1. Motions for compensation/fees for Warning Order Attorneys and Guardians ad Litem shall be accompanied by an affidavit indicating:
 - a. The statutory basis for appointment;
 - b. The hours of service rendered with a brief description of the services rendered and reasonableness of the fee requested; and
 - c. That the action or proceedings have been concluded.
2. Guardians ad Litem appointed to represent unmarried infants, persons of unsound mind, or adult prisoners shall notify the respondent of his/her appointment as a Guardian ad Litem, inform the respondent of the nature of the proceeding, and, in paternity cases, inform the respondent of the right to have genetic testing conducted.
3. Within sixty (60) days of the appointment, the Guardian ad Litem shall file an answer on behalf of the respondent or a report stating that, after careful examination of the case, he/she is unable to present a defense.
4. The failure of the Guardian ad Litem or Warning Order Attorney to file an answer or report within sixty (60) days of notification of appointment may result in sanctions being imposed against the attorney.

R21C-615. STATUS QUO ORDERS, FCRPP 2(5)

FCRPP 2(5) provides that a Status Quo Order may be issued at the initial hearing. However, in the 21st Judicial Circuit, the initial court appearance may not occur for thirty days or more after the initial filing of an action for Dissolution of Marriage. Therefore, a Motion Requesting Entry of the AOC 237, Status Quo Order, may be filed with the Petition. The Motion must state that the Respondent has ten days to file an objection to entry of said Order. The clerk shall include a copy of the Motion for service with the Summons and Petition. If no objection is filed within 10 days of service of the Summons, Petition and Motion, the Status Quo Order will be entered by the Court. If a Status Quo Order is not requested by the Petitioner, the Respondent may also seek a Status Quo Order at the initial court appearance or may file a motion as directed in this rule. However, the respondent must provide notice of the motion upon the petitioner without the assistance of the clerk.

RULE 7. GENERAL CIVIL CASES (applies to Family Law cases)

R21C-700. AGREED ORDERS

Agreed orders and judgments, and in forma pauperis motions, may be submitted to the Court at any time and should not be noticed on the motion docket. Uncontested divorces may be submitted to the Court, with appropriate documentation as required by FCRPP 3(1) unless otherwise waived by the Court, without being noticed for a date certain. However, if a party to a divorce action fails to respond and refuses to sign a waiver of notice of final hearing, the matter shall be noticed for a date certain.

R21C-705. MOTIONS TO DISMISS AND SUMMARY JUDGMENTS

Motions to dismiss and motions for summary judgment shall not be set for Motion Day, but shall be filed along with a memorandum of authorities relied upon, and a proposed order. The response time shall be twenty (20) days from the certification date of the motion, but may be extended on agreement of the parties with approval of the Court. A proposed order shall be tendered with the response. Oral argument may be requested, and will be set at the Court's discretion.

R21C-710. FILING OF FORECLOSURE COMPLAINTS

Pursuant to CR 8.01 (1) and CR 17.01, Plaintiffs filing foreclosure complaints must show that Plaintiff is the holder of the note and mortgage at the time the complaint is filed. The complaint at the time of the filing must be accompanied by all of the following:

- (a) A copy of the promissory note with all endorsements;
- (b) A copy of the recorded mortgage;
- (c) An affidavit of the Plaintiff, its representative, its attorney or its servicer documenting that the named Plaintiff is the original note holder and mortgagee; or is an assignee, trustee or successor-in-interest of the original note holder and mortgagee; and identify the specific capacity in which Plaintiff is pursuing the action;
- (d) A copy of all assignments of the note and mortgage, if Plaintiff is not the original note holder and mortgagee, evidencing the complete chain of assignments. The assignment of the note and mortgage to the named Plaintiff must be executed prior to the filing of the foreclosure complaint;
- (e) Documentation establishing Plaintiff as a successor-in-interest if Plaintiff is a successor-in-interest;
- (f) In foreclosure actions involving mobile homes which have not had their wheels and axels removed, and in which the foreclosing party has a recorded lien, the judgment submitted to the Court SHALL include the Vehicle Identification Number (VIN) of said mobile home.

R21C-715. DEFAULT JUDGMENTS

A party seeking a judgment by default, where Rule 55.01 of the Kentucky Rules of Civil Procedure applies, shall first file a written motion for such a judgment and have

placed on the appropriate motion docket, **with a tendered judgment and notice to the party in default**. The party seeking the default shall appear for said motion or have local counsel stand in for the hearing of said motion.

R21C-720. ANSWERING AND FILING INTERROGATORIES OR REQUESTS

Interrogatories propounded under CR 33 and answers thereto, requests for productions or inspection under CR 34 and answers thereto, and requests for admissions under CR 36 and answers thereto **shall not** be filed with the Court. A one-page notice of service under CR 33, 34 and 36, **shall** be filed in the record to prevent the case from being placed on the show cause docket or dismissed for lack of prosecution. If necessary to prove relevant points when filing a motion, the relevant answers to interrogatories or requests shall be attached, as an exhibit, to the motion.

R21C-725. FILING OF DEPOSITIONS

Originals of depositions **shall** be filed in the Court record pursuant to CR 30.06.

R21C-730. PREPARATION OF JUDGMENTS AND ORDERS

All judgments and orders presented to the Court for signature shall contain the scrivener's typed name and signature and shall indicate "Prepared By".

R21C-735. VOLUNTARY PRO BONO

Each lawyer should voluntarily render public interest legal services. A lawyer may be discharged of this responsibility by rendering a minimum of 50 hours of service per calendar year in accordance with the guidelines established by the Kentucky Bar Association and the American Bar Association.

R21C-740. DISMISSAL FOR FAILURE TO PROSECUTE

Pursuant to CR 77.02, when an action has remained on the Civil Docket for one year, without any step being taken indicating an intention to prosecute, the action may be dismissed for want of prosecution on motion of either party or on the Court's own motion.

R21C-745. PROCEDURE ON RULES FOR CONTEMPT

To procure a show cause order in proceedings for contempt:

1. A motion supported by a sufficient affidavit showing that applicant is entitled to the Order must be filed.
2. When this motion and affidavit is filed, an Order be issued ex-parte, which shall not come on for hearing. A proposed show cause order shall be attached to the show cause motion, and said order shall order the alleged offending party to appear and show cause, if he/she has or can, on the next available motion docket in the county in which the action is

pending. Special permission from the Judge's staff must be obtained to place said matter on the docket in another county in the 21st Judicial Circuit.

R21C-750. APPEALS FROM DISTRICT COURT

1. Upon the filing of a proper notice of appeal in the District Court, and the payment of costs as may be required by the Civil Rules, the Circuit Clerk shall assign the case to a Division of the Circuit Court in the same manner as is done with other civil and criminal cases and shall place a copy of the notice of appeal in the box of the appropriate Circuit Judge.
2. If the appeal is not perfected by the filing of a statement of appeal as provided by CR 72.06, within 30 days from the date of filing the first notice of appeal as provided by Cr 72.08, and no motion for extension of time is filed as provided by CR 74, the Clerk shall notify the appropriate Circuit Judge of the failure to perfect the appeal, and an order of dismissal and remand shall be entered.
3. If the statement of appeal is timely filed and no counter-statement is filed pursuant to CR 72.12, within 30 days thereafter, and no motion for extension of time is filed within 10 days after that, the Circuit Clerk shall provide the appropriate Circuit Judge with the file and the case shall stand submitted.
4. When a counter statement is filed by an appellee or cross appellant, whether or not a statement of appeal has been filed, the Clerk shall provide the appropriate Circuit Judge with the file and the case shall stand submitted.

RULE 8. CRIMINAL CASES

R21C-800. CRIMINAL CASES

1. At the time of arraignment, each case shall be assigned a time for a pre-trial conference. Pre-trial conferences shall be held as a matter of course in all criminal matters. At arraignment, on either written or oral motion of the defendant, the Court may enter a standard discovery order. Further discovery may be requested, in writing, as necessary.
2. Pre-trial conferences shall be held outside the hearing of the Court; the attorney for the Commonwealth, the attorney for the defendant and the defendant, unless otherwise relieved, shall be in attendance at the pre-trial conference. Pre-trial conferences for individuals in custody shall take place at the jail, and shall be scheduled at the convenience of the attorneys, with notice to the jail.
3. At the arraignment, the case shall be assigned for trial, with designated report date at least two weeks prior to trial. After the report date, the Court will not accept or consider a plea agreement between the defendant and the Commonwealth, or continue any case, except for good cause.
4. On or before the report date, the attorneys shall advise the Court in writing whether they are ready for trial, and the probable length of trial. When a conflict exists, and two or more trials are scheduled for the same day, the Court will assign priority to the cases scheduled. Any motion for a continuance must be made and heard prior to the designated report date, except for good cause shown.

The above Rules of Court Procedure and Practice for the 21st Judicial Circuit Court are hereby adopted.

DATED THIS 28 DAY OF August, 2012


BETH LEWIS MAZE, CHIEF CIRCUIT JUDGE
21ST JUDICIAL CIRCUIT


WILLIAM E. LANE, CIRCUIT JUDGE
21ST JUDICIAL CIRCUIT

**APPENDIX A
TWENTY-FOUR HOUR ACCESSIBILITY TO EMERGENCY
PROTECTIVE ORDERS AND LOCAL JOINT JURISDICTION
DOMESTIC VIOLENCE PROTOCOL
21st JUDICIAL CIRCUIT AND DISTRICT
BATH, MENIFEE, MONTGOMERY & ROWAN COUNTIES**

Pursuant to KRS 403.735, and in compliance with the Family Court Rules of Procedure and Practice (FCRPP) Section IV, the local domestic violence protocol is established to ensure twenty-four (24) hours accessibility to emergency protection orders to establish written procedures for domestic violence matters in which there may be joint jurisdiction between the Circuit and District Courts.

I. UNIFORM PROTOCOL FOR PROCESSING CASES

- A. Circuit Court Clerks shall process domestic violence cases in accordance with procedures set forth in the "Domestic Violence Proceedings" section of the Kentucky Circuit Court Clerk's Manual.
- B. All cases will be assigned a (D) case number with the appropriate trailer number within the Court case management system and may not be consolidated with any other case type.
- C. Domestic Violence matters may be reassigned from the District Court Division to Circuit Court when there is a dissolution/custody proceeding pending.
- D. Domestic Violence cases are civil matters within the purview of CR 41.01. Therefore, the 21st Judicial Circuit and District does not have a blanket "no-drop" policy.
- E. Domestic violence cases may be reassigned or transferred to another Circuit Court if there is a current dissolution/custody proceeding in that Circuit. Consistent with FCRPP 12, when a case is transferred to another Circuit due to a pending dissolution or custody matter, an emergency protective order shall continue and the summons shall be reissued by the initiating Court, pursuant to KRS 403.740 (4), for a period to not exceed fourteen (14) days if service has not been made on the adverse party by the date of transfer, or as the Court determines is necessary for the protection of the petitioner. Thereafter, the reissuance of the summons shall occur as needed by the District Court if it has not been assigned to the Circuit Court or by the Circuit Court if the transfer has already occurred.

II. TWENTY-FOUR HOUR ACCESSIBILITY

- A. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **during** regular business hours:

The Circuit Clerk's Office in the county of which the petitioner is requesting it to be heard. The Court hereby grants each Circuit Court Clerk's Office in the 21st Judicial District the authority to take domestic violence petitions and administer oaths of the petitioners during their regular business hours.

- B. The following agencies and officers are authorized to take domestic violence petitions and administer oaths to petitioner **after** regular business hours and weekends:
1. **BATH COUNTY** - Any Ex parte Emergency Protective Orders that take place after hours shall be executed in Bath County at the Bath County Dispatch Office. The Court hereby grants the employees of the Bath County Dispatch Office the authority to take Domestic Violence Petitions and administer the oath of said petitions to the petitioner.
 2. **MONTGOMERY COUNTY** - Any Ex parte Emergency Protective Orders that take place after hours shall be executed in Montgomery County at the Montgomery County Dispatch Office. The Court hereby grants the employees of the Montgomery County Dispatch Office the authority to take Domestic Violence Petitions and administer the oath of said petitions to the petitioners.
 3. **ROWAN COUNTY** - Any Ex parte Emergency Protective Orders that take place after hours shall be executed in Rowan County at the Rowan County Domestic Violence Shelter and shall be immediately faxed to the Morehead City Police from the Domestic Violence Shelter once executed and signed by the Judge. The Court hereby grants the employees of the Rowan County Domestic Violence Shelter the authority to take Domestic Violence Petitions and administer the oath of said petitions to the petitioners.
 4. **MENIFEE COUNTY** - Any Ex parte Emergency Protective Orders that take place after hours shall be executed in Meniffee County at the Meniffee County Dispatch Office. The Court hereby grants the employees of the Meniffee County Dispatch Office the authority to take Domestic Violence Petitions and administer said oath of said petitions to the petitioners.
- C. Upon receipt of a petition **during regular business hours**, the relevant Clerks of the 21st Judicial District shall present the petition to the District Judges, Circuit Judges and/or Trial Commissioner within one hour of its presentation to them unless it is impossible due to the unavailability of a Judge or Trial Commissioner.

D. Upon the receipt of the petition **after regular business hours**, the authorized agencies as addressed herein shall present the petition to the District Judges, Circuit Judges and/or Trial Commissioner within one hour of its presentation to them unless it is impossible due to the unavailability of a Judge or Trial Commissioner.

E. The schedule for **DOMESTIC VIOLENCE hearings is as follows:**

DISTRICT COURT

1. **BATH COUNTY** - In Bath District Court on every other Tuesday at 1:00 p. m. and can at times be held each and every Tuesday depending on how hearing dates fall within the fourteen (14) day rule pursuant to the filing of the Emergency Protective Order. All parties will receive notice of the domestic violence hearing as indicated on the Emergency Protective Order.
2. **MONTGOMERY COUNTY** - Domestic violence hearings shall take place every Monday at 1:30 p. m. in Montgomery District Court and could be held on a different date depending on how the hearing dates fall within the fourteen (14) day rule pursuant to the filing of the Emergency Protective Order. All parties will receive notice of the domestic violence hearing as indicated on the Emergency Protective Order.
3. **ROWAN COUNTY** - Domestic violence hearings shall take place every Monday at 1:00 p. m. in Rowan District Court and could be held on a different date depending on how the hearing dates fall within the fourteen (14) day rule pursuant to the filing of the Emergency Protective Order. All parties will receive notice of the domestic violence hearing as indicated on the Emergency Protective Order.
4. **MENIFEE COUNTY** - Domestic violence hearings shall take place every Tuesday at 9:30 a. m. in Menifee District Court. All parties will receive notice of domestic violence hearing as indicated on the Emergency Protective Order.

CIRCUIT COURT

1. **DIVISION I**

- a. **MENIFEE CIRCUIT COURT** – Domestic Violence hearings shall be heard on the fourth Thursday of each month at 11:00 a.m.
- b. **BATH CIRCUIT COURT** - Domestic Violence hearings shall be heard on the third Thursday of each month at 11:00 a.m.

c. **MONTGOMERY DOMESTIC COURT** - Domestic Violence hearings shall be heard on the first Friday of each month at 11:00 a.m.

d. **ROWAN DOMESTIC COURT** - Domestic Violence hearings shall be heard on the second Friday of each month. at 11:00 a.m.

2. **DIVISION II**

b. **MENIFEE CIRCUIT COURT** - Domestic Violence hearings shall be heard on the second Thursday of each month at 11:00 a.m.

c. **BATH CIRCUIT COURT** - Domestic Violence hearings shall be heard on the first Thursday of each month at 11:00 a.m.

d. **MONTGOMERY DOMESTIC COURT** - Domestic Violence hearings shall be heard on the third Friday of each month at 11:00 a.m.

e. **ROWAN DOMESTIC COURT** - Domestic Violence hearings shall be heard on the fourth Friday of each month at 11:00 a.m.


II. CONTEMPT PROCEEDINGS

Pursuant to KRS 403.760 and FCRPP 11 civil and criminal proceedings for a violation of a protective order are to take place and be initiated as follows:

- A. Pursuant to KRS 403.760, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive.
- B. Petitioners seeking to initiate contempt proceedings should follow the protocol as addressed above when filing Emergency Protective Orders during business hours and filing Emergency Protective Orders after working hours.
- C. Pursuant to FCRPP 11(1), no petitioner shall be held in contempt for failure to appear at a Domestic Violence hearing or failing to prosecute a civil or criminal contempt violation of a protective order except for a good cause shown on the record. Failure to appear may result in denial of the petition.
- D. Subject to FCRPP 11(2), when the Court conducts contempt proceedings in Domestic Violence actions, the party(ies) who are subject to contempt shall be represented by counsel, unless waived, and an attorney shall be appointed by the Court if the party qualifies as indigent.

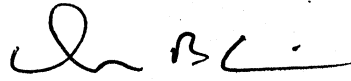
All general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

The above protocol is adopted by all judges in the circuit/district:




Judge William E. Lane, Division I
21st Judicial Circuit

5-29-12
Date



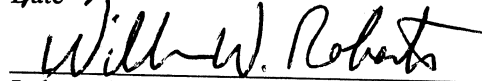
Judge Don Blair, Division II
21st Judicial District

4-24-12
Date



Judge Beth Lewis Maze, Division II
21st Judicial Circuit

4/30/12
Date



Judge William W. Roberts, Division I
21st Judicial District

04/16/2012
Date